

109TH CONGRESS  
2D SESSION

# S. 3364

To authorize appropriate action against Japan for failing to resume the importation of United States beef in a timely manner, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 5, 2006

Mr. NELSON of Nebraska introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To authorize appropriate action against Japan for failing to resume the importation of United States beef in a timely manner, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       Congress makes the following findings:

5               (1) The United States cattle industry produces  
6       abundant, safe, and healthy food for consumers in  
7       the United States and around the world.

8               (2) Japan has prohibited imports of beef from  
9       the United States since January 20, 2006, when a  
10      single shipment of beef products from the United

1 States was found not to be in compliance with the  
2 Export Verification protocol agreed to by the United  
3 States and Japan in December 2005.

4 (3) The noncomplying shipment presented no  
5 harm to Japanese consumers and merely consisted  
6 of beef products that were not approved for export  
7 to Japan. Subsequent investigations have indicated  
8 that the noncomplying shipment was the result of  
9 human error and that no further noncompliant ship-  
10 ments to Japan were found.

11 (4) Japan's reaction to this single incident of  
12 noncompliance, by banning all imports of United  
13 States beef, was unnecessarily harsh and overly  
14 broad, and it has been damaging and unfair to the  
15 United States beef industry.

16 (5) The United States and the Government of  
17 Japan have been working diligently towards resolv-  
18 ing the latest ban on United States beef by Japan,  
19 but that ban has not been resolved in a timely man-  
20 ner.

21 (6) Notwithstanding the commitments Japan  
22 has made, Japan continues to maintain an unjusti-  
23 fied ban on imports of United States beef as an un-  
24 necessarily harsh measure based on a single incident  
25 of noncompliance.

1           (7) Japan's continued ban on United States  
2       beef has been damaging to the American beef indus-  
3       try, costing that industry an estimated  
4       \$116,000,000 per month.

5           (8) The United States cannot continue to per-  
6       mit Japan to unilaterally close trade of all United  
7       States beef products based solely on a single, minor  
8       incident of noncompliance under the export  
9       verification program.

10 **SEC. 2. CERTIFICATION REGARDING UNITED STATES BEEF**  
11 **EXPORTS TO JAPAN.**

12       (a) IN GENERAL.—Notwithstanding any other provi-  
13       sion of law, the United States Trade Representative shall,  
14       not later than 30 days after the date of the enactment  
15       of this Act, submit to Congress the certification described  
16       in subsection (b).

17       (b) CERTIFICATION.—The certification described in  
18       this subsection means a certification by the United States  
19       Trade Representative to Congress that Japan is no longer  
20       prohibiting the importation of beef from the United  
21       States.

22       (c) SANCTIONS.—

23           (1) IN GENERAL.—If the certification described  
24       in subsection (b) is not made, the United States

1        shall ban the importation of beef products grown or  
2        processed in, or exported from, Japan.

3            (2) NECESSARY ACTION.—The United States  
4        Trade Representative, in cooperation with the Sec-  
5        retary of Agriculture and the Secretary of Com-  
6        merce, is authorized to take all necessary actions to  
7        carry out the ban of imports of beef and beef prod-  
8        ucts from Japan.

9            (3) DURATION.—The sanctions imposed by this  
10       section shall terminate on the date that a certifi-  
11       cation described in subsection (b) is submitted to  
12       Congress.

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